REMARKS

Claims 1-7, 9-16, 18-27, 29-44, 46, and 47 are pending in the present application.

This Amendment is in response to the Office Action mailed May 21, 2008. In the Office Action, the Examiner rejected claims 1-7, 9-16, 18-27, 29-44, and 46-47 under 35 U.S.C. §103(a). Applicant has canceled claims 23 and 32-38 and has amended claims 1, 4, 21-22, 24-26, 39 and 42-43. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

Rejection Under 35 U.S.C. § 103

In the Office Action, the Examiner rejected claims 1-9, 11-15, 17-25, and 30-47 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,938,164 issued to England et al. ("England '164") in view of Bruce Schneier's "Applied Cryptography (Second Edition) ("Schneier"), and further in view of U.S. Patent No. 7,036,023 issued to Fries ("Fries"). Applicant respectfully traverses the rejection and submits that the Examiner has not met the burden of establishing a *prima facie* case of obviousness.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *See MPEP §2143*. Applicant respectfully submits that none of the cited references, most notably England '164, describes or suggests the limitations alleged in the Office Action.

Furthermore, the Supreme Court in *Graham v. John Deere*, 383 U.S. 1, 148 USPQ 459 (1966), stated: "Under §103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background, the obviousness or nonobviousness of the subject matter is determined." *See MPEP 2141.* In *KSR International Co. vs. Teleflex, Inc.*, 127 S.Ct. 1727 (2007) (Kennedy, J.), the Court explained that "[o]ften, it will

be necessary for a court to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order <u>to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue</u>." The Court further required that an explicit analysis for this reason must be made. "[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *KSR 127 S.Ct.* at 1741, quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006). In the instant case, Applicant respectfully submits that there are significant differences between the cited references and the claimed invention and there is no apparent reason to combine the known elements in the manner as claimed, and thus no *prima facie* case of obviousness has been established.

For instance, with respect to claims 1 and 12, Applicant respectfully submits that none of the cited references, either alone or in combination, describes or suggests the following limitation:

(1) *receiving signals by the first processor that the remaining processors have entered the halted stated* (claim 1) – neither <u>England '164</u> nor <u>Schneier</u> nor <u>Fries</u>, alone or in combination, describe or suggest a mechanism for state notification by the remaining processors as claimed;

(2) identifying a secure region in a memory of a computer and *loading content into the identified region* (claims 1, 12) – neither <u>England '164</u> nor <u>Schneier</u> nor <u>Fries</u>, alone or in combination, describe or suggest the loading of content into the identified region where the "identified region" appears to have been interpreted as starting from the address associated with the reset vector in ROM (120). *See col. 5, lines 5-20 of <u>England '164</u>.* This location (at reset vector) is unsuitable for the storage of the content and ROM (120) is not a suitable memory type for storage;

(3) registering an identity of the content *after the content is loaded into* the identified region (claims 1, 12) – neither <u>England '164</u> nor <u>Schneier</u> nor <u>Fries</u>, alone or in combination,

describe or suggest the registration of an identity of the content (e.g., a cryptographic measure of the trusted core), but the trusted core is <u>not</u> loaded into the identified region (region of ROM 120), but rather, is loaded within random access memory (RAM) that loses the data at power-down. *See col. 4, lines 29-32 and col. 5, line 20 of* <u>*England '164*</u>;

(4) completing the start secure operation by the first processor and signaling the remaining processors to resume activity *by exiting the halted state and jumping to the known entry point in the identified region of the memory* (claim 1) – neither <u>England '164</u> nor <u>Schneier</u> nor <u>Fries</u>, alone or in combination, describe or suggest the resumption procedure undertaken by the remaining processors as claimed.

Therefore, Applicant respectfully requests the Examiner to withdraw the outstanding §103 rejection as applied to claims 1 and 12 as well as those claims dependent thereon. Applicant reserves the right to present additional arguments in traversing the outstanding rejection if an Appeal is warranted.

With respect to claims 21 and 39, Applicant respectfully submits that none of the cited references, either alone or in combination, describes or suggests the limitations of identifying a secure region in a memory of a computer and *loading content into the identified region.* Emphasis added. Herein, the Examiner states that the address with ROM (120) associated with the reset vector, described in <u>England '164</u>, is considered to be the "region" or "selected area". *See pages 3-4 of the Office Action.* However, this location (at reset vector) is unsuitable for the storage of the content, especially given that the reset vector is stored within a memory with read-only access (e.g., ROM 120).

Therefore, Applicant respectfully requests the Examiner to withdraw the outstanding §103 rejection as applied to claims 21 and 39 as well as those claims dependent thereon. Applicant reserves the right to present additional arguments in traversing the outstanding rejection if an Appeal is warranted.

Furthermore, claim 10 under 35 U.S.C. §103(a) as being unpatentable over <u>England '164</u> combination as applied above, and further in view of ATPM – Review: Virtual PC 4.0 (April

2001), by Gregory Tetrault ("Tetrault"); and claims 16, 26, and 27 under 35 U.S.C. §103(a) as being unpatentable over England '164 combination as applied above, and further in view of U.S. Patent No. 6,330,670 issued to England et al. ("England"). Applicant respectfully traverses the rejection and submits that the Examiner has not met the burden of establishing a *prima facie* case of obviousness. However, given that these claims are dependent on claims which are considered by Applicant to be in condition for allowance, no discussion regarding the allowability of these claims is necessary. Applicant reserves the right to raise such arguments if an Appeal is warranted.

In summary, Applicant believes that independent claims 1, 12, 21, and 39 and their respective dependent claims are distinguishable over the cited prior art references. Accordingly, Applicant respectfully requests the rejection under 35 U.S.C. §103(a) be withdrawn.

Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: September 22, 2008   By / William W. Schaal/ _____
                                         William W. Schaal
                                         Reg. No. 39,018
                                         Tel.: (714) 557-3800 (Pacific Coast)